

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

PEDRO RAMOS, et al.,)	Case No. 08-CV-0026-JM (JMA)
)	
Plaintiffs,)	CASE MANAGEMENT CONFERENCE
)	ORDER REGULATING DISCOVERY AND
v.)	OTHER PRETRIAL PROCEEDINGS
)	
FRITZ NEWMAN dba EL CAMINO 76)	(Fed. R. Civ. P. 16)
MOBILE ESTATES, et al.,)	(Local Rule 16.1)
)	(Fed. R. Civ. P. 26)
Defendants.)	
)	
)	

Pursuant to Rule 16 of the Federal Rules of Civil Procedure, a telephonic Case Management Conference was held on August 4, 2008 at 9:30 a.m. After consulting with the attorneys of record for the parties and being advised of the status of the case, and good cause appearing,

IT IS HEREBY ORDERED:

1. Any motion to join other parties, to amend the pleadings, or to file additional pleadings shall be filed on or before October 3, 2008.

2. A telephonic Case Management Conference shall be held before Magistrate Judge Adler on December 11, 2008 at 9:30 a.m.

1 Counsel for each party shall appear telephonically at this
2 conference. The Court will initiate the conference call.

3 3. All expert disclosures required by Fed. R. Civ. P.
4 26(a)(2) shall be served on all parties on or before December 29,
5 2008. Any contradictory or rebuttal information shall be
6 disclosed on or before January 23, 2009. In addition, Fed. R.
7 Civ. P. 26(e)(1) imposes a duty on the parties to supplement the
8 expert disclosures made pursuant to Fed. R. Civ. P. 26(a)(2)(B)
9 by the time that pretrial disclosures are due under Fed. R. Civ.
10 P. 26(a)(3) (discussed below). This disclosure requirement
11 applies to all persons retained or specially employed to provide
12 expert testimony, or whose duties as an employee of the party
13 regularly involve the giving of expert testimony.

14 **Please be advised that failure to comply with this section**
15 **or any other discovery order of the Court may result in the**
16 **sanctions provided for in Fed. R. Civ. P. 37, including a**
17 **prohibition on the introduction of experts or other designated**
18 **matters in evidence.**

19 4. All discovery, other than expert discovery, shall be
20 completed by all parties on or before February 20, 2009. All
21 expert discovery shall be completed by all parties on or before .
22 "Completed" means that all discovery under Rules 30 through 36 of
23 the Federal Rules of Civil Procedure must be initiated a
24 sufficient period of time in advance of the cutoff date, so that
25 it may be completed by the cutoff date, taking into account the
26 times for service, notice, and response as set forth in the
27 Federal Rules of Civil Procedure. All disputes concerning
28 discovery shall be brought to the attention of Magistrate Judge

1 Adler no later than thirty (30) days following the date upon
2 which the event giving rise to the dispute occurred. For oral
3 discovery, the event giving rise to the discovery dispute is the
4 completion of the transcript of the affected portion of the
5 deposition. For written discovery, the event giving rise to the
6 discovery dispute is the service of the response. Counsel are
7 required to meet and confer prior to contacting the Court
8 regarding all discovery disputes pursuant to the requirements of
9 Local Rules 16.5(k) and 26.1(a).

10 5. All motions, other than motions to amend or join
11 parties, or motions in limine, shall be filed on or before March
12 20, 2009.¹ Motions will not be heard or calendared unless
13 counsel for the moving party has obtained a motion hearing date
14 from the law clerk of the judge who will hear the motion. Be
15 advised that the period of time between the date you request a
16 motion date and the hearing date may be up to sixty (60) days.
17 Please plan accordingly. Failure of counsel to timely request a
18 motion date may result in the motion not being heard.

19 Briefs or memoranda in support of or in opposition to any
20 pending motion shall not exceed twenty-five (25) pages in length
21 without leave of the judge who will hear the motion. No reply
22 memorandum shall exceed ten (10) pages without such leave of
23 court.

24 6. A Mandatory Settlement Conference shall be conducted on
25 June 25, 2009 at 10:00 a.m. in the chambers of Magistrate Judge

27 ¹Counsel should note that while historically motion cutoff
28 deadlines issued by this Court were deadlines for motion hearings, the
motion cutoff dates now being issued establish deadlines for the
parties to file motions.

1 Adler. Counsel shall submit settlement statements **directly** to
2 Magistrate Judge Adler's chambers no later than June 18, 2009.²
3 The parties may either submit confidential settlement statements
4 or may exchange their settlement statements. Each party's
5 settlement statement shall set forth the party's statement of the
6 case, identify controlling legal issues, concisely set out issues
7 of liability and damages, and shall set forth the party's
8 settlement position, including the last offer or demand made by
9 that party, and a separate statement of the offer or demand the
10 party is prepared to make at the settlement conference. **The**
11 **settlement conference briefs shall not be filed with the Clerk of**
12 **the Court.**

13 All named parties, all counsel, and any other person(s)
14 whose authority is required to negotiate and enter into
15 settlement shall appear in person at the conference. The
16 individual(s) present at the Mandatory Settlement Conference with
17 settlement authority must have the unfettered discretion and
18 authority on behalf of the party to: 1) fully explore all
19 settlement options and to agree during the Mandatory Settlement
20 Conference to any settlement terms acceptable to the party (G.
21 Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 653
22 (7th Cir. 1989)), 2) change the settlement position of a party
23 during the course of the Mandatory Settlement Conference (Pitman
24 v. Brinker Int'l, Inc., 216 F.R.D. 481, 485-86 (D. Ariz. 2003)),
25 and 3) negotiate a settlement without being restricted by any
26 predetermined level of authority (Nick v. Morgan's Foods, Inc.,
27 _____

28 ²Statements may be delivered directly to chambers, e-mailed to
efile_adler@casd.uscourts.gov, or faxed to (619) 702-9939.

1 270 F.3d 590, 596 (8th Cir. 2001)).

2 Governmental entities may appear through litigation counsel
3 only. As to all other parties, appearance by litigation counsel
4 only is not acceptable. Retained outside corporate counsel shall
5 not appear on behalf of a corporation as the party who has the
6 authority to negotiate and enter into a settlement. **The failure**
7 **of any counsel, party or authorized person to appear at the**
8 **Mandatory Settlement Conference as required will result in the**
9 **immediate imposition of sanctions.** All conference discussions
10 will be informal, off the record, privileged, and confidential.

11 7. The parties must comply with the pretrial disclosure
12 requirements of Fed. R. Civ. P. 26(a)(3) no later than July 10,
13 2009.

14 8. No Memoranda of Contentions of Fact and Law are to be
15 filed unless so ordered by the Court.

16 9. Counsel shall confer and take the action required by
17 Local Rule 16.1(f)(4) on or before July 17, 2009.

18 10. The Proposed Final Pretrial Conference Order, including
19 written objections, if any, to any party's Fed. R. Civ. P.
20 26(a)(3) pretrial disclosures, shall be prepared, served, and
21 lodged with the Clerk's Office on or before July 24, 2009 and
22 shall be in the form prescribed in Local Rule 16.1(f)(6). Any
23 objections shall comply with the requirements of Fed. R. Civ. P.
24 26(a)(3). **Please be advised that the failure to file written**
25 **objections to a party's pretrial disclosures may result in the**
26 **waiver of such objections, with the exception of those made**
27 **pursuant to Rules 402 (relevance) and 403 (prejudice, confusion**
28 **or waste of time) of the Federal Rules of Evidence.**

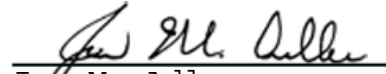
1 11. The final Pretrial Conference is scheduled on the
2 calendar of the Honorable Jeffrey T. Miller on July 31, 2009 at
3 8:30 a.m. The trial is scheduled to commence on August 31, 2009
4 at 10:00 a.m.

5 12. The dates and times set forth herein will not be
6 modified except for good cause shown.

7 13. Plaintiff's(s') counsel shall serve a copy of this order
8 on all parties that enter this case hereafter.

9 **IT IS SO ORDERED.**

10 DATED: August 8, 2008

11 
12 Jan M. Adler
U.S. Magistrate Judge